

Serial No. 10/786,169

Amendment Dated: August 16, 2007

Reply to Office Action Mailed: June 27, 2007

Attorney Docket No. 080437.53242US

**REMARKS**

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 8-18, 20 and 26-32 are now pending, wherein claims 1, 16 and 20 are amended, claims 19 and 21-25 are canceled, claims 26-32 are new, and claim 14 is withdrawn from consideration.

Claim 1 has been amended to correct a typographical error, and it is respectfully submitted that this amendment is not a narrowing amendment.

Claims 8 and 15-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,949,375 to Ishiguro et al. ("Ishiguro"). This ground of rejection is respectfully traversed.

Ishiguro does not anticipate claim 8 because Ishiguro does not disclose a storing or updating system accessing "vehicle characterizing data". Furthermore, Ishiguro does not disclose "reading out...control unit data for a vehicle indicated by the vehicle characterizing data or for its control units." Ishiguro also does not disclose that the control unit data is read out "from a plurality of control unit data stored on the data carrier."

Ishiguro discloses a method of calculating the position of a vehicle and correcting the calculated position. The program for correcting the calculated

position, which is executed by CPU 6, can be stored on a CD-ROM disk DK and read out from CD-ROM drive 11.<sup>1</sup> The program read by CD-ROM drive 11 can be stored in RAM 8.<sup>2</sup>

Ishiguro, however, does not disclose that vehicle characterizing data is accessed. Accordingly, Ishiguro cannot disclose that "control unit data for a vehicle indicated by the vehicle characterizing data or for its control units" is read out. Furthermore, Ishiguro does not disclose that CD-ROM disk DK includes a plurality of control unit data from which the control data is read out.

Because Ishiguro does not disclose all of the elements of claim 8, Ishiguro cannot anticipate this claim. If this ground of rejection is maintained, Applicant respectfully requests that the next Office Action identify, by column and line number, where each of the above-mentioned claimed elements can be found in Ishiguro.

Claim 15 is patentably distinguishable over Ishiguro at least by virtue of its dependency from claim 8.

Ishiguro does not anticipate claim 16 because Ishiguro does not disclose "wherein said carrier contains control unit data applicable to a plurality of

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<sup>1</sup> Col. 13, lines 1-5 and 8-13.

<sup>2</sup> Col. 13, lines 19-20.

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vehicles, and said act of reading is controlled by a microprocessor which reads vehicle characterizing information from a memory, and causes said reader unit to read from said carrier only control unit data that are applicable to particular vehicle control units.”

This claim element was previously recited in now canceled claim 19. To reject that claim the Office Action states that figure 1 of Ishiguro discloses “the program instructions stored in the data carrier CD-ROM or DVD is read out via CD-ROM drive (11) and are processed by the computer (4).<sup>3</sup>” This statement does not, however, explain where Ishiguro discloses “a microprocessor which reads vehicle characterizing information from a memory, and causes said reader unit to read from said carrier, only control unit data that are applicable to particular vehicle control units.” Accordingly, for similar reasons to those discussed above with regard to claim 8, Ishiguro does not anticipate claim 16.

Claims 17, 18 and 20 are patentably distinguishable over Ishiguro at least by virtue of their dependency from claim 16.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 8 and 15-20 as being anticipated by Ishiguro be withdrawn.

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<sup>3</sup> Page 4.

Serial No. 10/786,169

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Attorney Docket No. 080437.53242US

Claims 9-13 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Ishiguro and U.S. Patent Application Publication No. 2001/0051928 to Brody (“Brody”). This ground of rejection is respectfully traversed.

Claims 9-13 variously depend from claim 8. As discussed above, Ishiguro does not disclose all of the elements of Applicant’s claim 8. It is respectfully submitted that Brody does not remedy the above-identified deficiencies of Ishiguro with respect to claim 8. Accordingly, the combination of Ishiguro and Brody cannot render claim 8, and in turn dependent claims 9-13, obvious. Therefore, the rejection of claims 9-13 for obviousness in view of the combination of Ishiguro and Brody be withdrawn.

New claims 26-29 are patentably distinguishable over the current grounds of rejection at least by virtue of their dependency from independent claims 8 or 16.

New claim 30 is patentably distinguishable over the current grounds of rejection because of the recitation of the receiving, reading and storing acts, none of which is disclosed or suggested by Ishiguro and/or Brody.

Serial No. 10/786,169

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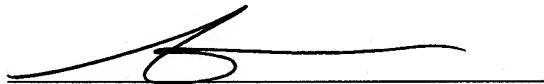
Attorney Docket No. 080437.53242US

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.53242US).

Respectfully submitted,

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